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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,326	09/02/2004	Armin Kuebelbeck	LEIF-0007	8765
23599 7590 10/17/2007 MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			EXAMINER ABU ALI, SHUANGYI	
			ART UNIT 1793	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/506,326	Applicant(s) KUEBELBECK ET AL.	
	Examiner Shuangyi Abu-Ali	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

(1)

Status of Claims

Claims 1-22 remain for examination wherein claims 1-22 are amended. Claims 23 and 24 are new.

(2)

Claim Rejections - 35 USC § 102

Claims 1-3 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 974,874. as general set forth in the first office action mailed on 03/08/2007 stands.

Claim Rejections - 35 USC § 103

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB patent 974,874, in view of U.S. Patent No. 6,699,313 B2 to Coulter et al. as generally set forth in the first office action mailed 03/08/2007 stands.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB Patent No. 974,874, in view of EP Patent No.0445342 A1 to Calvo et al. as generally set forth in the first office action mailed 03/08/2007 stands.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over combining teaching of GB Patent No. 974,874, and EP Patent No.0445342 A1 to Calvo et al., further in view of US Patent No. 6,699,313 B2 to Coulter et al. as generally set forth in the first office action mailed 03/08/2007 stands.

Art Unit: 1793

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over combining teaching of GB Patent No. 974,874 and EP Patent No.0445342 A1 to Calvo et al., further in view of US Patent No. 5,795,507 to Crews et al. as generally set forth in the first office action mailed 03/08/2007 stands.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over combining teaching of GB Patent No. 974,874 and EP Patent No.0445342 A1 to Calvo et al., further in view of US Patent No. 4,702,574 to Bawa et al. as generally set forth in the first office action mailed 03/08/2007 stands.

Claims 13,15 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,825,259 B2 to Miyazaki et al., in view of U.S. Patent No. 5,795, 507 to Crews et al. as generally set forth in the first office action mailed 03/08/2007 stands.

Claims 14 are rejected under combining teaching of U. S. Patent No. 6,825,259 B2 to Miyazaki et al. and U.S. Patent No. 5,795, 507 to Crews et al., in further view of GB patent NO. 858,072.as generally set forth in the first office action mailed 03/08/2007 stands.

Claim 17 is rejected under combining teaching of U. S. Patent No. 6,825,259 B2 to Miyazaki et al. and U.S. Patent No. 5,795, 507 to Crews et al., in further view of U. S. Patent No. 3,778383 to Schibler et al. as generally set forth in the first office action mailed 03/08/2007 stands.

The text of those sections of title 35 US Code not included in this action can be found in the prior Office Action.

(3)

Response to Amendment

Applicants' amendments to 35 U.S.C. 101, 35 U. S. C. 112 and specification, filed on 08/08/2007 are acknowledged. As such, the rejections and/ or to objections to the claims 1-3, 6, 8-11 and 18-21 set forth in the First Office Action are withdrawn.

(4)

Response to Arguments

Applicant's arguments filed 08/08/2007 have been fully considered but they are not persuasive. Therefore, the grounds of rejection for claims 1-22 as indicated in the first Office Action stand.

Applicants argue that the amended claim 1 recite "individual coated platelet-shape particles". The Examiner respectfully submits that the pigments in GB 974,874 are individual coated. When the coating film is formed, the resin compound is in a continuous phase, and the pigment is in a discontinuous phase, the pigment particles are surrounded by the resin.

(5)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 974,874.

Regarding claims 23 and 24, GB 974,874 discloses a flaky aluminum or mica pigment (page 1, lines 22 and 33) coated with a modified melamine formaldehyde resin (page 10, line 92).

(6)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shuangyi Abu-Ali whose telephone number is 571-272-6453. The examiner can normally be reached on Monday - Friday.

Art Unit: 1793

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SA


J.A. LORENZO
SUPERVISORY PATENT EXAMINER